

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

DOUG HARRIS and DIANA HARRIS

v.

DEVON ENERGY PRODUCTION
COMPANY, L.P.

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Case No. 4:10-CV-708
Judge Schneider/Judge Mazzant

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On June 14, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Devon Energy Production Company, L.P.'s Motion for Partial Dismissal for Failure to State a Claim Pursuant to Fed. R. Civ. P. 12(b)(6) (Dkt. #25) should be granted.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendant's Motion for Partial Dismissal Pursuant to Fed. R. Civ. P. 12(b)(6) (Dkt. #25) is **GRANTED** and the fraud claim is dismissed.

IT IS SO ORDERED.

SIGNED this 12th day of July, 2011.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE